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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/978,635	11/25/1997	ELAZAR RABBANI	ENZ-53(DIV4)	4641
28171	7590	10/10/2006	EXAMINER	
ENZO BIOCHEM, INC. 527 MADISON AVENUE (9TH FLOOR) NEW YORK, NY 10022			SCHULTZ, JAMES	
			ART UNIT	PAPER NUMBER
			1635	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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08/978.635

EXAMINER
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ART UNIT	PAPER
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20060929

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Commissioner for Patents

The amendment filed on 30 March 2006, which was non-compliant with 37 CFR 1.121 and subsequently corrected in the response filed 12 July 2006, canceled all claims drawn to the elected invention and presented only claims drawn to a non-elected invention, and is therefore non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because applicants elected in the response filed 8 January 2003 the nucleic acid product species "antisense RNA" in response to the restriction requirement dated 6 December 2006. The remaining claims are drawn exclusively to either the nucleic acid products "prokaryotic gene" or "prokaryotic viral gene", which are clearly not readable on antisense RNA. In view of this previous restriction requirement, the most recent restriction requirement dated 12 June 2006 and which required election between "prokaryotic gene" and "prokaryotic viral gene" is hereby withdrawn.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

*JS*  
JAMES SCHULTZ, PH.D.  
PRIMARY EXAMINER